

SEALED**SEALED**

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

United States of America)

v.)

XAVIER RIVERS,)

Case No. 22-MJ-6100-STRUSS

)

)

)

)

*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 17, 2021 through January 3, 2022 in the county of Broward in the
Southern District of Florida, the defendant(s) violated:*Code Section*

18 U.S.C. § 2251

18 U.S.C. § 2422(b)

*Offense Description*Attempted Production of Child Pornography; and
Persuade, Induce, Entice, and Coerce a Minor to Engage in Sexual Criminal
Activity.FILED BY AT D.C.

Mar 4, 2022

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - FTL

This criminal complaint is based on these facts:

See attached affidavit.

 Continued on the attached sheet.


Complainant's signature

Yelena Reinstein-Owens, Special Agent, FBI
 Printed name and title
Attested to by the applicant in accordance with the requirements
of Fed. R. Crim. P. 4.1 by FaceTime on this 4th day of
March 2022.


Jared M. Strauss, United States Magistrate Judge
 Printed name and title
City and state: Fort Lauderdale, Florida

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Yelena Reinstein-Owens, having been duly sworn, state as follows:

AGENT INTRODUCTION AND BACKGROUND

1. This affidavit is submitted in support of a criminal complaint which charges **Xavier Rivers, a/k/a “zayzaye2323,” a/k/a “Xavier Wilson” (“RIVERS”)** with violations of Title 18, United States Code, Sections 2251 (attempted production of child pornography) and 2422(b) (persuade, induce, entice, and coerce a minor to engage in sexual criminal activity).

2. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been so employed since June 2006. I am presently assigned to the FBI Miami Division’s Child Exploitation and Human Trafficking Task Force. In this capacity, I am responsible for conducting criminal investigations of statutes contained in Title 18 of the United States Code, including crimes related to child sex trafficking, child pornography and the sexual exploitation of children, among other violations of federal law.

3. I have participated in investigations of persons suspected of violating federal child pornography and child sex trafficking laws, including 18 U.S.C. §§ 2251, 2252, 2422, and 1591. These investigations have included the use of surveillance techniques, the interviewing of subjects and witnesses, and the planning and execution of arrest, search, and seizure warrants. In the course of these investigations, I have reviewed images and videos containing child pornography and images depicting minor children engaged in sexually explicit conduct on various forms of electronic media, including computers, digital cameras, and wireless telephones, and have discussed and reviewed these materials with other law enforcement officers.

4. I submit this Affidavit based on information known to me personally from the investigation, as well as information obtained from others who have investigated the matter or

have personal knowledge of the facts herein. Because this Affidavit is being submitted for the limited purpose of establishing probable cause for the requested warrant, it does not include every fact known to me about this matter.

PROBABLE CAUSE

RIVERS Initiates Conversation with an FBI Agent Acting in an Undercover Capacity, Posing as a Child

5. On or about December 17, 2021, an FBI employee acting in an undercover capacity (Online Covert Employee, hereafter “OCE #1”), in the Southern District of Florida, was contacted on a social media platform by user, “zayzaye2323”, vanity name Xavier Wilson.¹ As outlined below, Xavier Wilson has been identified as Xavier Rivers (“RIVERS”). OCE #1 first observed this user in a group (hereafter referred to as “GROUP”) on a social media platform, which focuses on like-minded individuals who post and/or share to receive videos and images of pornographic nature, including child pornography. Upon joining the GROUP, the user receives the following message: “state your age, daughters age, and if you are active with her or not upon entering, if you join and don’t say a word you will be removed”.

6. In the GROUP, OCE #1 identified herself as being 11 years old. On or about December 17, 2021, in a direct message to OCE #1, RIVERS initiated conversation by asking OCE #1 how old she was, and what grade she was in. OCE #1 indicated that she was “11” and in the 5th grade. RIVERS responded with, “Do you like black guys” and “can I fuck you”. During this conversation, RIVERS stated to OCE #1, “I wanna help you have sex”.

¹ Law enforcement confirmed that this is a fake name.

7. In the same conversation, on or about December 17, 2021, RIVERS asked OCE #1 for a picture of herself and subsequently provided a photograph of himself. OCE #1 sent a picture to RIVERS which portrayed OCE #1 as a young child hugging a dog.²

8. On or about December 20, 2021, RIVERS was engaged in another conversation with OCE #1 wherein he identified himself as "Xavier," and informed OCE #1 that he is 29 years old. On the same day, RIVERS began to engage OCE #1 in a sexually explicit conversation. For example, RIVERS advised OCE #1 that he wanted to "lick [her] pussy suck on [her] pussy", and "put [his] dick in [her] mouth". OCE #1 asked if she would receive a reward for this, to which RIVERS sent her a photograph of an erect penis.

9. During a conversation that took place on or about January 3, 2022, RIVERS informed OCE #1 that he was going to perform oral sex on her, asked OCE #1 to get naked, told OCE #1 that he wanted her to touch herself on her vagina, and told OCE #1 that he wanted her to think of him having intercourse with her.

10. Additionally, on or about January 3, 2022, RIVERS asked OCE #1 if she wanted RIVERS to get her pregnant. OCE #1 inquired as to how that was possible since she was only 11 years old, to which RIVERS indicated that he would have intercourse with her. RIVERS also asked OCE #1 if she would like RIVERS to make her a mother by impregnating her.

11. On the same day, on or about January 3, 2022, RIVERS engaged in a conversation with OCE #1 whereupon he requested that OCE #1 record herself conducting a sexually explicit activity. For example, RIVERS asked OCE #1 to put the handle of a brush inside of her vagina and asked her to use her camera to show him. RIVERS then instructed OCE #1 as to how to take a video, using her camera. RIVERS provided OCE #1 with instructions of what she was to do on

² This image was digitally processed by the FBI.

video, which included calling him “big daddy” and moaning, “till the video stop”. In exchange, RIVERS sent a video of himself masturbating.

RIVERS Engages in Contact with an FBI Undercover Agent Posing as OCE #1’s Father

12. On or about January 3, 2022, RIVERS engaged in conversation with another OCE (OCE #2), acting in an undercover capacity as OCE #1’s father. During that conversation, OCE #2 disclosed to RIVERS that his “daughter” (OCE #1), is 11 years old and that he is sexually active with her. RIVERS told OCE #2 that he is 29 years old and expressed a desire to be OCE #1’s boyfriend. OCE #2 asked RIVERS, “She said you wanted her to send you some pics or movies of her?” RIVERS replied, “I thought that would be hot to see if only she wants to” and “it would be hot messaging her while you fucking her.” OCE #2 asked RIVERS what he wanted to see, to which RIVERS replied, “her getting fuck and her pussy.”

13. During a conversation that took place on or about January 22, 2022, RIVERS and OCE #2 discuss OCE #2 producing child pornography of OCE #1, in exchange for RIVERS paying OCE #2. For example, RIVERS offered to pay OCE #2 \$20 for a photograph of OCE #1 laying on her back, with her legs spread, while naked. RIVERS then paid OCE #2 \$20, via CashApp, for the photograph. OCE #2 sent a photograph which was intentionally corrupted by law enforcement, and which RIVERS attempted to open numerous times. OCE #2 received a CashApp notification from the name, “XAVIER RIVERS”, with the CashApp user ID, “\$xaga2323” for \$20, as agreed upon.

Law Enforcement Identifies RIVERS

14. During several conversations with OCE #1, RIVERS provided his phone number as 912-423-2362. It was determined that this number was associated with AT&T. Pursuant to an administrative subpoena, results from AT&T confirmed that the subscriber to the number is

“Xavier Rivers”, with an address of “57 E Lucille Avenue, Alamo, Georgia, 30411”. The records also revealed that the account was activated in 2018.

15. An open-source query for “Xavier Rivers” at “57 E Lucille Ave, Alamo, Georgia 30411” was conducted, which confirmed that “Xavier M. Rivers”, with an accompanying date of birth of July 23, 1992, was associated with the listed address of “57 E Lucille Ave 3, Alamo, GA 30411”.

16. A query of the State of Georgia Driver’s License database yielded a result for Xavier Marquel Rivers. This database provided a photograph of Xavier Marquel Rivers, which law enforcement confirmed depicted the same individual as the individual in the photographs that RIVERS sent to OCE #1 of himself.

17. On or about January 5, 2022, during a conversation with RIVERS, OCE #1 requested pictures of RIVERS blowing her a kiss and making a heart symbol with his hands. RIVERS complied with OCE #1’s request and sent OCE #1 photographs of himself doing the aforementioned poses. Law enforcement confirmed that the individual in the photographs was RIVERS.

18. On or about January 6, 2022, RIVERS also advised OCE #1 that his birthday is on July 23rd. This birth date is consistent with information your Affiant had received when querying public and law enforcement data systems.

19. On or about January 6, 2022, during a conversation with OCE #1, RIVERS informed OCE #1 that he has a laptop and a Samsung cellular phone. RIVERS informed OCE #1 that he was communicating with her on the Samsung phone.

20. On or about January 10, 2022, pursuant to OCE #1's request in which OCE #1 advised that she made a present for RIVERS and wanted to ship it to him, RIVERS told OCE #1 that he was residing at 112 Tyre Drive, Macdoungh, Georgia 30253.

21. On or about January 20, 2022, records were received from AT&T pursuant to an administrative subpoena for IP Address 45.18.187.10 ("Target IP Address"), which was associated with the social media platform coming from RIVERS' account. The records confirmed that the account, created in 2019, associated with the Target IP Address since 2019, is "Dana Wilson"³ and has an accompanying address of 112 Tyre Drive, Mcdonough, Georgia 30253-8540.

22. On or about March 2, 2022, law enforcement learned that RIVERS returned to McRae, Georgia as of February 19, 2022, and is currently residing with his mother at 165 Spaulding Drive, McRae, Georgia 31055 (the "Residence"). Further, on or about February 25, 2022, RIVERS filed a police report wherein he indicated that he was residing at this Residence. Following the police report filed by RIVERS, a detective made contact with RIVERS, at which point he confirmed he was residing at the Residence and provided the detective with directions to the Residence.

23. On or about March 4, 2022, RIVERS—who is still corresponding with OCE #2— informed OCE #2 that he was living in McRae, Georgia.

CONCLUSION

Based on the aforementioned facts, I respectfully submit that there is probable cause to support the arrest of **Xavier Rivers, a/k/a "zayzaye2323," a/k/a "Xavier Wilson" ("RIVERS")** for violations of Title 18, United States Code, Sections 2251 (attempted production of child

³ An investigation revealed that "Dana Wilson" is RIVERS' aunt.

pornography) and 2422(b) (persuade, induce, entice, and coerce a minor to engage in sexual criminal activity).

FURTHER YOUR AFFIANT SAYETH NAUGHT.

Yelena Reinstein-Owens
Yelena Reinstein-Owens,
Special Agent
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 via FaceTime on this 4th day of March 2022.

Jared Strauss

JARED M. STRAUSS
UNITED STATES MAGISTRATE JUDGE